EXHIBIT 59

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA In Re: Bair Hugger Forced Air Warming Products Liability Litigation Research, by Sessler, et al. 27 This Document Relates To: All Actions MDL No. 15-2666 (INE/FLM) DEPOSITION OF DR. ANDREA KURZ VOLUME I, PAGES 1 - 235 JANUARY 12, 2017 The following is the deposition of DR. ANDREA KURZ, taken pursuant to Notice of Taking Deposition, via videotape, at the Cleveland Clinic, E Building, Conference Room E3-40B, 9105 Cedar Avenue, Cleveland, Ohio, commencing at approximately 10:11 o'clock a.m., January 12, 2017.) Page 2 APPEARANCES: On Behalf of the Plaintiffs: Jan M. Conlin CIRESI CONLIN LL.P. APPEARANCES: Gabriel Assaad 1 IN D E X EXHIBITS DESCRIPTION PAGE M 2 284 Article, Departmental and Institutional Strategies for Reducing Fraud in Clinical Research, by Sessler, et al. 27 Research, by Sess	
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6 KENNEDY HODGES 7 Body Temperature Management	
4409 Montrose Boulevard, Suite 200 Houston, Texas 77006 8 (SCIP Inf-10) Is Associated with	
8 On Behalf of Defendants: 9 Improved Clinical Outcomes, by	
9 Corey L. Gordon and Peter J. Goss 10 Scott, et al 168 BLACKWELL BURKE P.A. 10 Scott, et al 168	
10 432 South Seventh Street, Suite 2500 11 246 E-mail, 3MBH01138976 183	
Minneapolis, Minnesota 55415 12 247 E-mail string, 3M00510095-7 230	l .
On Behalf of the Deponent:	
Sandra M. DiFranco 15 Cleveland Clinic Law Department 16 WITNESS EXAMINATION BY	
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14 Cleveland, Ohio 44195 17 Dr. Andrea Kurz Mr. Assaad 5	
15 18 Mr. Gordon 189	
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is true either, because don't forget, it's a retrospective study and not one of the best-done either. So you Q. Based on in today's standards. 5. A. Based on in today's standards. 6. Q. Okay. It might have been good standards back in 1996. 8. A. There's no discussion about it because the data would not have been available in '96. 9. Okay. 12. Q. Okay. An Or. Sessder has mentioned in an 13. e-mail before, in today's standards and with respect to to reliability of studies, that he probably wouldn't 14. have published the 1996 Kurz paper. Do you agree with 15. have published the 1996 Kurz paper. Do you agree with 16. him? 17. A. A. Absolutely. 18. Q. Okay. 19. A. I would not have either. 20. Q. So without that paper meting today's 22. standards, do you agree with me that three's no 23. standards, do you agree with me that free's no 24. infection? 25. A. If -1 mean if if you exclude the only 26. Well we discussed later there's no 27. Q. Well we discussed later there's no no 28. the finite of the control of the paper regarding infection rates; correct? 29. M. R. GORDON: Objection. 20. Q. Well we discussed later there's no not widence, 20. Well you couldn't ell me whether or not 21. That is correct. 22. M. R. GORDON: Objection. 23. That is correct. 24. R. Okay. 25. Well you couldn't ell me whether or not 26. That was intrasperative warming; correct? 29. M. R. GORDON: Objection. 20. Okay. 21. Q. Okay. 22. A. It does not matter. We are talking about 23. That is correct. 24. G. Okay. And are you aware since that time 3M 25. It was no kay study for the time. 26. Q. Okay. So stiling here today, what paper 27. A. It was an okay study for the time. 28. Q. Okay. So stiling here today, what paper 29. That could – that – what evidence that could be 20. Okay. So stiling here today, what paper 21. The could – that – what evidence that tought the 22. That so correct. 23. That is correct. 24. R. You could. 25. The could have been good as the studies were done with much larger 26. Do you think fledling was a good study? 27		Page 177		Page 179
a either. So your — 4 Q. Based on in today's standards. 5 A. Based on in today's standards. 6 Q. Okay. It might have been good standards 6 back in 1996. 8 A. There's no discussion about it because the data would not have been available in '96. 10 Q. Okay. 11 A. So we still only have the old data. 12 Q. Okay. And Dr. Sessler has mentioned in an c-mail before, in today's standards and with respect to roteliability of studies, that he probably wouldn't labe the pollubility of studies, that he probably wouldn't labe have published the 1996 Kurz paper. Do you agree with him? 17 A. A basolutely. 18 Q. Okay. 19 A. I would not have either. 20 Q. So without that paper meeting today's standards, do you agree with me that there's no exidence today that active warming or spaper regarding infection rates correct? 21 A. If - I mean if - if you exclude the only 22 infection? 23 A. If - I mean if - if you exclude the only 24 A. You have a second one which you exclude: the Melling paper. 25 Q. Well we discussed later there's no you have a second one which you exclude: the Melling paper. 26 Q. Well we discussed later there is no evidence. 27 Q. Well out oldn't tell me whether or not that was intraoperative warming; correct? 28 A. If doesn't matter. 29 Q. Okay. 30 A. I doesn't matter. 31 Q. Okay. 32 A. I doesn't matter. 33 Q. Okay. 34 G. Okay. 35 A whether you warm the patients - Q. Okay. 36 A. I doesn't matter. 37 Q. Okay. 38 A. I mould not have either. 39 Q. Okay. 30 A. I doesn't matter. 30 Q. Okay. 31 Q. Okay. 32 A. I doesn't matter. 33 Q. Okay. 34 A. I doesn't matter. 35 Q. Okay. 36 A. I doesn't matter. 36 Q. Okay. 37 A. It was an okay study for the me. 38 Q. Okay. So sitting her today, what paper that could - that - what evidence that that wouldn't be publishable today supports active warmining in the - in the textee warmining and normotherminia, which reduces the incidence of infection? 38 A. I mould a discussed later there's end you ware since that time 3M has continued to cite your paper for its marketing purposes with	1	is true either, because don't forget, it's a	1	A. Very little.
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